

A BILL

20-753

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the District of Columbia Taxicab Commission Establishment Act of 1985 to define a private vehicle-for-hire company and operator, to clarify the authority of vehicle inspection officers to make stops, to clarify the complaint authority of the District of Columbia Taxicab Commission, to create registration provisions for operators, to require background checks for operators, to prohibit street hails by operators, to require a private vehicle-for-hire company to conduct background checks, inspect vehicles, establish zero tolerance policies against discrimination and drug and alcohol use by operators, to require transmission of 1% of all gross receipts to the Office of the Chief Financial Officer, to require insurance for operators, to create provisions for charging for services, to provide for enforcement against private vehicles-for-hire, to deregulate fares for taxicabs arranged through digital dispatch, to clarify data and surcharge transmission requirements, and to require that a notice be posted in all taxicabs regarding acceptance of credit cards; to amend Title 47 to exempt private vehicles-for-hire from the license requirement and to clarify eligibility for a for-hire license; and to amend Title 18 of the District of Columbia Municipal Regulations to reduce the inspection requirement for taxicabs from semiannually to annually.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Vehicle-for-hire Innovation Amendment Act of 2014”.

Sec. 2. The District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code § 50-301 *et seq.*), is amended as follows:

(a) Section 4 (D.C. Official Code § 50-303) is amended to read as follows:

“Sec. 4. Definitions.

“For the purposes of this act, the term:

“(1) “ADA” means the Americans with Disabilities Act of 1990, approved July 26, 1990 (104 Stat. 328; 42 U.S.C. § 12101 *et seq.*).

“(2) “Alternative fuel” means advanced fuels, which can be any materials or substances that can be used as fuels, other than conventional fuels such as fossil fuels, including biodiesel, compressed natural gas, electricity, and ethanol. The term “alternative fuel” shall also apply to hybrid vehicles that use alternative forms of power such as electricity.

“(3) “Capital City Plan” means the formal alphabetical and numerical pattern and layout of streets within the District’s 4 quadrants, the formal pattern and layout of avenues and circles within the District, and the formal system and pattern of addresses within the District.

“(4) “CNG” means compressed natural gas.

“(5) “CNG vehicle” means an automobile powered by compressed natural gas.

“(6) “Commission” means the District of Columbia Taxicab Commission established by section 5.

“(7) “Commissioner” means the Commissioner of the Department of Insurance, Securities, and Banking.

“(8) “Committee” means the Disability Taxicab Advisory Committee established by section 20f.

“(9) “Digital dispatch” means the hardware and software applications and networks, including mobile phone applications, which passengers and operators use to provide public and private vehicle-for-hire service.

“(10) “Dispatch” means the traditional methods of pre-arranging vehicle-for-hire service, including through telephone or radio.

“(11) “DDOE” means the District Department of the Environment.

“(12) “Fund” means the Public Vehicles-for-Hire Consumer Service Fund established by section 20a.

“(13) “GPS” means Global Positioning Satellite.

“(14) “Hospitality industry” means a person or entity involved in the operation, management, support, or ownership of a restaurant, catering business, hotel business, conference business, travel business, tourism business, tour business, or tour guide business.

“(15) “Industry member” means a person experienced in the transportation or hospitality industry.

“(16) “Limousine” means a public vehicle-for-hire that operates exclusively through advanced registration, charges exclusively on the basis of time, and shall not accept street hails.

“(17) “Office” means the Office of Taxicabs established by section 13.

“(18) “Passenger surcharge” means a fee assessed to passengers for each public vehicle-for-hire ride in an amount not to exceed 50 cents.

“(19) “Private vehicle-for-hire” means a class of transportation service by which a network of private vehicle-for-hire operators in the District provides transportation to passengers to whom the private vehicle-for-hire operators are connected by digital dispatch.

“(20) “Private vehicle-for-hire company” means an organization, including a corporation, partnership, or sole proprietorship, operating in the District that uses digital dispatch to connect passengers to a network of private vehicle-for-hire operators.

“(21) “Private vehicle-for-hire operator” means an individual who operates a personal motor vehicle to provide private vehicle-for-hire service in contract with a private vehicle-for-hire company.

“(22) “Public vehicle-for-hire” means a class of transportation service by motor vehicle for hire in the District, including a taxicab, limousine, or sedan-class vehicle, that provides for-hire service exclusively using drivers and vehicles licensed pursuant to this act and D.C. Official Code § 47-2829.

“(23) “Sedan-class vehicle” means a class of public vehicle-for-hire that operates exclusively through digital dispatch, charges on the basis of time and distance, except for trips to airports and other point-to-point trips based on well-traveled routes or event-related trips such as sporting events, which may be charged on a flat-fee basis, and shall not accept street hails.

“(24) “Taxicab” means a class of public vehicle-for-hire that may be hired by dispatch, digital dispatch, or hailed on the street, and for which the fare charged is calculated by a Commission-approved meter with uniform rates determined by the Commission; provided, that a taxicab hired by a passenger through digital dispatch may use rates set by the company that operates the digital dispatch pursuant to the requirements of this act.

“(25) “Taxicab association” means a group of taxicab owners organized for the purpose of engaging in the business of taxicab transportation for common benefits regarding

operation, logo or insignia. An association must have a minimum of 20 taxicabs having a uniform logo or insignia and having unified control by ownership or by association.

“(26) “Taxicab company” means a person, partnership, or corporation engaging in the business of owning and operating a fleet or fleets of taxicabs having a uniform logo or insignia. A company must have a minimum of 20 taxicabs having a uniform logo or insignia and having unified control by ownership or by the company.

“(27) “Taxicab fleet” means a group of 20 or more taxicabs having a uniform logo or insignia and having unified control by ownership or by association.

“(28) “Taxicab industry” means all taxicab companies, associations, owners, and operators, or any person who by virtue of employment or office is directly involved in the provision of taxicab services within the District.

“(29) “Taxicab operator” means a person operating or licensed to operate a taxicab in the District of Columbia.

“(30) “Taxicab owner” means a person, corporation, partnership, or association that holds the legal title to a taxicab that is required to be registered in the District. If a taxicab is the subject of an agreement for the conditional sale or lease with right of purchase upon performance of the condition stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or if a mortgagor of a taxicab is entitled to possession, the conditional vendee, lessee, or mortgagor shall be considered the owner for the purpose of this act.

“(31) “Taxicab rate structure” means the rates, fares, charges, and methodologies used to determine the price of taxicab street-hail service.

“(32) “Taxicab service” means passenger transportation service originating in the District in which the passenger directs the points between which the service is to be provided, the service is provided at a time chosen by the passenger, and, when hailed on the street, the fare and fees for which are prescribed by the Commission.

“(33) “Underserved area” means a designated zone, as determined by the Commission, with an established need for greater taxicab service.

“(34) “Vehicle-for-hire industry” means all public and private vehicles-for-hire, including companies, associations, owners, operators, or any person who, by virtue of employment or office, is directly involved in providing public or private vehicle-for-hire services within the District.

“(35) “Vehicle inspection officer” means a District employee trained in the laws, rules, and regulations governing public and private vehicle-for-hire service to ensure the proper provision of service and to support safety through street enforcement efforts, including traffic stops of public and private vehicles-for-hire, pursuant to protocol prescribed under this act and by regulation.

“(36) “Washington Metropolitan Area” means the area encompassed by: the District; Montgomery County, Prince George’s County, and Frederick County in Maryland; Arlington County, Fairfax County, Loudon County, and Prince William County, and the cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park in Virginia.

“(37) “Wheelchair-accessible vehicle” means a vehicle compliant with the ADA that accommodates a passenger using a wheelchair or other personal mobility device who needs a ramp or lift to enter or exit the vehicle. The vehicle must comply with the provisions of 49 C.F.R. Part 38.1 – 38.39.”.

(b) Section 8(c) (D.C. Official Code § 50-307(c)) is amended as follows:

(1) Paragraph (4)(B) is amended by striking the phrase “public vehicle inspection officers” and inserting the phrase “vehicle inspection officers” in its place.

(2) Paragraph (11) is amended as follows:

(A) Strike the phrase “public vehicle inspection officers” and insert the phrase “vehicle inspection officers” in its place.

(B) Strike the phrase “public vehicles-for-hire” and inserting the phrase “public and private vehicles-for-hire” in its place.

(3) Paragraph (14) is amended by striking the word “against” and inserting the phrase “against the vehicle-for-hire industry, including” in its place.

(c) Section 8b (D.C. Official Code § 50-307.02) is amended as follows:

(1) Strike the phrase “The Commission” and insert the phrase “The Mayor” in its place.

(2) Strike the year “2013” and insert the year “2015” in its place.

(d) Section 10b(a) (D.C. Official Code § 50-309.02(a)) is amended as follows:

(1) Strike the word “against” and insert the phrase “against public and private vehicles-for-hire, including” in its place.

158 (2) Strike the word public.

159 (e) Section 12 (D.C. Official Code § 50-311) is amended as follows:

160 (1) Subsection (b) is amended by striking the phrase “taxicab industry” and
161 inserting the phrase “vehicle-for-hire industry” in its place.

162 (2) Subsection (b-1) is repealed.

163 (f) Section 13 (D.C. Official Code § 50-312) is amended as follows:

164 (1) Strike the phrase “public vehicle inspection officers” wherever it appears and
165 insert the phrase “vehicle inspection officers” in its place.

166 (2) Subsection (e)(5) is amended as follows:

167 (a) Strike the phrase “owners and operators of” and insert the phrase
168 “owners and operators of public and private vehicles-for-hire, including” in its place.

169 (b) Strike the phrase “taxicab industry” and insert the phrase “vehicle for-
170 hire industry” in its place.

171 (3) Subsection (f) is amended by striking the phrase “public vehicles-for-hire”
172 wherever it appears and inserting the phrase “public and private vehicles-for-hire” in its place.

173 (g) Section 20a (D.C. Official Code § 50-320) is amended as follows:

174 (1) Subsection (a) is amended as follows:

175 (A) Paragraph (4) is amended by striking the phrase “; and” and inserting
176 a semicolon in its place.

177 (B) Paragraph (5) is amended by striking the period and inserting the
178 phrase “; and” in its place.

179 (C) A new paragraph (6) is added to read as follows:

180 “(6) All funds collected pursuant to section 33(b)(11).”.

181 (2) Subsection (b)(1)(A) is amended by striking the word “public”.

182 (h) Section 20g (D.C. Official Code § 50-326) is amended by adding a new subsection (c)
183 to read as follows:

184 “(c)(1) The Commission shall create a notice to be posted in a conspicuous
185 location in all taxicabs in clear view of passengers. The notice shall be at least 5 inches by 7
186 inches in size, and shall include the following:

187 (A) A statement that a taxicab must accept credit cards through the
188 approved taximeter system;

189 (B) A statement that a taxicab shall not operate without a
190 functioning taximeter system;

191 (C) A statement that failure to accept a credit card is a violation of
192 the law and is punishable by fine; and

193 (D) The information required for passengers to submit an alleged
194 violation, including a telephone number and website address to the agency responsible for
195 handling the complaint.

196 “(2) To obtain a copy of the notice required to be posted under this
197 subsection, the owner or operator of a taxicab required to post the notice shall:

198 “(A) Print the notice from the Commission website; or

“ (B) Request that the notice be mailed and submit payment to the Commission for the cost of printing and first-class postage.

“ (3) The Commission shall post a notice on its website indicating that compliance with this subsection is mandatory as well as the penalties for failure to comply.

“ (4) A violation of this subsection shall be punishable by a civil fine or other penalty provided by regulation.”.

(i) Section 20j (D.C. Official Code § 50-329) is amended as follows:

(a) A new subsection (a-1) is added to read as follows:

“ (a-1) The Commission shall not require a company that provides digital dispatch to sedan-class vehicles to produce to the Commission a list or inventory of vehicles or operators affiliated with the service.”.

(b) Subsection (b) is amended by striking the phrase “ a digital dispatch service” and inserting the phrase “ digital dispatch” in its place.

(c) A new subsection (b-1) is added to read as follows:

“ (b-1) A vehicle shall be permitted to operate as a sedan-class vehicle if:

“ (1) It has a manufacturer’s rated seating capacity of fewer than 10 persons;

“ (2) It is not a salvaged vehicle or a vehicle rented from an entity whose predominant business is that of renting motor vehicles on a time basis; and

“ (3) It is no more than 10 model years of age at entry into service and no more than 12 model years of age while in service.”.

(j) Existing sections 20k, 20l, and 20m are redesignated as new sections 32, 33, and 34.

(k) Existing section 20n is redesignated as section 20k.

(l) Existing section 20o is redesignated as section 37.

(m) New sections 25, 26, 27, 28, 29, 30, and 31 are added to read as follows:

“Sec. 25. General requirements for private vehicles-for-hire.

“A private vehicle-for-hire company shall:

“(1) Create an application process for a person to apply to register as a private vehicle-for-hire operator;

“(2) Maintain a current registry of the operators and vehicles associated with the private vehicle-for-hire company;

“(3) Provide the following information on its website:

“(A) The private vehicle-for-hire company’s customer service telephone number or electronic mail address;

“(B) The private vehicle-for-hire company’s zero tolerance policy established under subsections (h) and (i) of this section;

“(C) The procedure for reporting a complaint about an operator who a passenger reasonably suspects violated the zero tolerance policy under paragraphs (9) and (10) of this subsection; and

“(D) A telephone number or electronic mail address for the District of Columbia Taxicab Commission;

“ (4) Verify that an initial safety inspection of a motor vehicle used as a private vehicle-for-hire is conducted within 90 days of beginning service and that the vehicle passed the inspection and was determined safe by a licensed mechanic in the District pursuant to section 101(b)(a)(9) of the Omnibus Regulatory Reform Amendment Act of 1998, effective April 29, 1998 (D.C. Law 12-86; D.C. Official Code § 47-2851.03) or an inspection station authorized by the State of Maryland or the Commonwealth of Virginia to perform vehicle safety inspections; provided, that an initial safety inspection need not be conducted if the motor vehicle used for service is compliant with an annual state-required safety inspection;

“ (5) Verify the safety inspection status of a vehicle as described in paragraph (4) of this subsection on an annual basis after the initial verification is conducted;

“ (6) Perform the background checks required by section 26(b) on each applicant before private vehicle-for-hire service is provided and update those checks every 3 years thereafter;

“ (7) Establish a trade dress as required by section 28;

“ (8) Transmit the required amount pursuant to section 33(b)(11);

“ (9)(A) Establish a zero tolerance policy on the use of alcohol or illegal drugs or being impaired by the use of alcohol or drugs while a private vehicle-for-hire operator is logged into a private vehicle-for-hire company’s digital dispatch;

“ (B) Immediately suspend a private vehicle-for-hire operator upon receiving a written complaint from a passenger submitted through regular mail or electronic means containing a reasonable allegation that the operator violated the zero tolerance policy

established by subparagraph (A) of this paragraph. The suspension shall last the duration of the investigation; and

“(C) Conduct an investigation when a passenger alleges that a private vehicle-for-hire operator violated the zero tolerance policy established by paragraph (A) of this subparagraph;

“(10)(A) Establish a zero tolerance policy regarding discrimination or discriminatory conduct on the basis of a protected characteristic under section 231 of the Human Rights Act of 1977, effective Dec. 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1402.31), while a private vehicle-for-hire operator is logged into a private vehicle-for-hire company’s digital dispatch. Discriminatory conduct may include:

“(i) Refusal of service on the basis of a protected characteristic, including refusal of service to an individual with a service animal unless the operator has a documented serious medical allergy to animals held on file with the private vehicle-for-hire company;

“(ii) Using derogatory or harassing language on the basis of a protected characteristic;

“(iii) Refusal of service based on the pickup or drop-off location of the passenger;

“(iv) Rating a passenger on the basis of a protected characteristic;

281 “(B) It shall not constitute discrimination under this paragraph for
282 a private vehicle-for-hire operator to refuse to provide service to an individual with disabilities
283 due to violent, seriously disruptive, or illegal conduct by the individual. A private vehicle-for-
284 hire operator shall not, however, refuse to provide service to an individual with a disability solely
285 because the individual’s disability results in appearance or involuntary behavior that may offend,
286 annoy, or inconvenience the operator or another person;

287 “(C) Immediately suspend a private vehicle-for-hire operator upon
288 receiving a written complaint from a passenger submitted through regular mail or electronic
289 means containing a reasonable allegation that the operator violated the zero tolerance policy
290 established by subparagraph (A) of this paragraph. The suspension shall last the duration of the
291 investigation; and

292 “(D) Conduct an investigation when a passenger makes a
293 reasonable allegation that an operator violated the zero tolerance policy established by
294 subparagraph (A) of this paragraph;

295 “(11) Maintain records relevant to the requirements of this section for the
296 purposes of enforcement; and

297 “(12) Submit to the District of Columbia Taxicab Commission for the
298 purposes of registration:

299 “(A) Proof that the private vehicle-for-hire company is licensed to
300 do business in the District;

“(B) Proof that the private vehicle-for-hire company maintains a registered agent in the District;

“(C) Proof that the private vehicle-for-hire company maintains a website that includes the information required by paragraph (3) of this subsection;

“(D) Proof that the private vehicle-for-hire company has established a trade dress required by section 28, including an illustration or photograph of the trade dress;

“(E) A written description of how the private vehicle-for-hire company’s digital dispatch operates;

“(F) Proof that the private vehicle-for-hire company has secured the insurance policies required by section 27; and

“(G) The certification required by section 31; provided, that the District of Columbia Taxicab Commission shall not impose a registration, licensure, certification, or other similar requirement for a private vehicle-for-hire company to operate in the District that exceeds the requirements set forth in this act.

“Sec. 26. Registration of private vehicle-for-hire operators.

“(a) To become a private vehicle-for-hire operator, an individual shall submit an application to register with a private vehicle-for-hire company.

“(b) Before approving a registration application submitted under subsection (a) of this section, a private vehicle-for-hire company shall have a third party that is accredited by the

321 National Association of Professional Background Screeners or a successor accreditation entity
322 conduct the following examinations:

323 “(1) A local and national criminal background check;

324 “(2) The national sex offender database background check; and

325 “(3) A full driving record check.

326 “(c) A private vehicle-for-hire company shall reject an application submitted
327 under subsection (a) of this section and shall permanently disqualify an applicant who:

328 “(1) As shown in the local or national criminal background check

329 conducted in accordance with subsection (b)(1) of this section, has been convicted within the
330 past 7 years of:

331 “(A) An offense defined as a crime of violence under D.C. Official
332 Code § 23-1331(4);

333 “(B) An offense under Title II of the Anti-Sexual Abuse Act of
334 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3002 *et seq.*);

335 “(C) An offense under section 3 of the District of Columbia
336 Protection Against Minors Act of 1982, effective March 9, 1983 (D.C. Law 4-173; D.C. Official
337 Code § 22-3102);

338 “(D) Burglary, robbery or an attempt to commit robbery under An
339 Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat.
340 1323; D.C. Official Code §§ 22-801, 22-2801 and 22-2802);

“(E) Theft in the first degree under section 112 of the District of Columbia Theft and White Collar Crimes Act of 1982, effective Dec. 1, 1982 (D.C. Law 4-164; D.C. Official Code § 22-3212);

“(F) Felony fraud or identity theft under sections 121 or 127b of the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code §§ 22-3221, 22-3227.02); or

“(G) An offense under any state or federal law or under the law of any other jurisdiction in the United States involving conduct that would constitute an offense described in subparagraphs (A), (B), (C), (D), (E), and (F) of this paragraph if committed in the District;

“(2) Is a match in the national sex offender registry database;

“(3) As shown in the national background check or driving record check conducted in accordance with subsections (b)(1) and (b)(3) of this section, has been convicted within the past 7 years of:

“(A) Aggravated reckless driving under section 9(b-1) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1123; D.C. Official Code § 50-2201.04(b-1));

“(B) Fleeing from a law enforcement officer in a motor vehicle under section 10b of the District of Columbia Traffic Act, 1925, effective March 16, 2005 (D.C. Law 15-239; D.C. Official Code § 50-2201.05b);

“(C) Leaving after colliding under section 10c of the District of Columbia Traffic Act, 1925, effective April 27, 2013 (D.C. Law 19-266; D.C. Official Code § 50-2201.05c);

“(D) Negligent homicide under section 802(a) of An Act To amend an Act of Congress entitled “An Act to establish a code of law for the District of Columbia”, approved March 3, 1901, as amended by adding three new sections to be numbered 802(a), 802(b), and 802(c), respectively, approved June 17, 1935 (49 Stat. 385; D.C. Official Code § 50-2203.01);

“(E) Driving under the influence of alcohol or a drug, driving a commercial vehicle under the influence of alcohol or a drug, or operating a vehicle while impaired under sections 3b, 3c, or 3e of the Anti-Drunk Driving Act of 1982, effective April 27, 2013 (D.C. Law 19-266; D.C. Official Code §§ 50-2206.11, 50-2206.12, and 50-2206.14);

“(F) Unauthorized use of a motor vehicle under section 115 of the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code § 22-3215); and

“(G) An offense under any state or federal law or under the law of any other jurisdiction in the United States involving conduct that would constitute an offense described in subparagraphs (A), (B), (C), (D), (E), and (F) of this paragraph if committed in the District; or

“(4) Has been convicted within the past 3 years of driving with a suspended or revoked license under section 13(e) of the District of Columbia Traffic Act, 1925,

approved March 3, 1925 (43 Stat. 1123; D.C. Official Code § 50-1403.01(e)), according to the driving record check conducted in accordance with subsection (b)(3) of this section.

“(d) A motor vehicle used as a private vehicle-for-hire shall:

“(1) Have a manufacturer’s rated seating capacity of 8 persons or fewer, including the private vehicle-for-hire operator;

“(2) Have at least 4 doors and meet applicable federal motor vehicle safety standards for vehicles of its size, type, and proposed use; and

“(3) Be no more than 10 model years of age at entry into service and no more than 12 model years of age while in service.

“(e) A person registered with a private vehicle-for-hire company as a private vehicle-for-hire operator under this section shall be deemed by the District to hold the necessary authorization to operate in the District as may be required by another jurisdiction or interstate authority.”

“Sec. 27. Insurance requirements for private vehicles-for-hire.

“(a) A private vehicle-for-hire company or operator shall maintain a primary automobile liability insurance policy that provides coverage of at least \$1 million per occurrence for accidents involving a private vehicle-for-hire operator at all times when the operator is engaged in a prearranged ride.

“(b) For the time period when a private vehicle-for-hire operator is logged onto a private vehicle-for-hire company’s digital dispatch showing that the operator is available to pick up passengers but is not engaged in a prearranged ride, the following requirements shall apply:

“(1) A private vehicle-for-hire operator or a private vehicle-for-hire company on the operator’s behalf shall maintain a primary automobile liability insurance policy that:

“(A) Recognizes that the operator is a private vehicle-for-hire operator and covers the operator’s provision of private vehicle-for-hire service while the operator is logged into the private vehicle-for-hire company’s digital dispatch showing that the operator is available to pick up passengers;

“(B) Provides minimum coverage of at least \$50,000 per person per accident, with up to \$100,000 available to all persons per accident, and \$25,000 for property damage per accident; and

“(i) Offers full-time coverage similar to the coverage required by section 15 of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code § 50-314);

“(ii) Contains an insurance rider to, or endorsement of, the operator’s personal automobile liability insurance policy required by section 7 of the Compulsory/No Fault Motor Vehicle Insurance Act of 1982, effective Sept. 18, 1982 (D.C. Law 4-155; D.C. Official Code § 31-2406); or

“(iii) Offers a liability insurance policy purchased by the private vehicle-for-hire company that provides primary coverage for the time period in which an operator is logged into the private vehicle-for-hire company’s digital dispatch showing that the operator is available to pick up passengers.

424 “(c) If a private vehicle-for-hire company purchases an insurance policy under
425 this section, it shall provide proof to the Commission that the private vehicle-for-hire company
426 has secured the policy.

427 “(d) A private vehicle-for-hire company shall not allow a private vehicle-for-hire
428 operator who has purchased their own policy to fulfill the requirements of this section to accept a
429 trip request through the digital dispatch service used by the private vehicle-for-company until the
430 private vehicle-for-hire company verifies that the operator maintains insurance as required under
431 this section. In the event that the insurance maintained by a private vehicle-for-hire operator to
432 fulfill the insurance requirements of this section has lapsed or ceased to exist, the private vehicle-
433 for-hire company shall provide the coverage required by this section beginning with the first
434 dollar of a claim.

435 “(e) Nothing in this section shall require an operator to obtain a personal
436 automobile insurance policy that provides coverage for the time period in which an operator is
437 logged into a private vehicle-for-hire company’s digital dispatch.

438 “(f) If more than one insurance policy purchased by a private vehicle-for-hire
439 company provides valid and collectable coverage for a loss arising out of an occurrence
440 involving a motor vehicle operated by a private vehicle-for-hire operator, the responsibility for
441 the claim shall be divided on an equal basis among all of the applicable policies; provided, that a
442 claim may be divided in a different manner by written agreement of all of the insurers of the
443 applicable policies and the policy owners.

“(g) In a claims coverage investigation, a private vehicle-for-hire company shall cooperate with any insurer that insures the private vehicle-for-hire operator’s motor vehicle, including providing relevant dates and times during which an accident occurred that involved the operator to determine whether operator was logged into a private vehicle-for-hire company’s digital dispatch showing that the operator is available to pick up passengers.

“(h) The insurance requirements set forth in this section shall be disclosed on a private vehicle-for-hire company’s website, and the company’s terms of service shall not contradict or be used to evade the insurance requirements of this section.

“(i) Within 90 days of the effective date of this act, a private vehicle-for-hire company that purchases insurance on an operator’s behalf under this section shall disclose in writing to the operator, as part of its agreement with the operator:

“(1) The insurance coverage and limits of liability that the private vehicle-for-hire company provides while the operator is logged into the company’s digital dispatch showing that the operator is available to pick up passengers; and

“(2) That the operator’s personal automobile insurance policy may not provide coverage, including collision physical damage coverage, comprehensive physical damage coverage, uninsured and underinsured motorist coverage, or medical payments coverage because the operator uses a vehicle in connection with a private vehicle-for-hire company.

“(j) An insurance policy required by this section may be obtained from an insurance company authorized to do business in the District or with a surplus lines insurance company with an AM Best rating of at least A-.

465 “(k) A private vehicle-for-hire company or operator shall have 120 days from the
466 effective date of this act to procure primary insurance coverage that complies with the
467 requirements of subsection (b) of this section; provided, that until such time, a company shall
468 maintain a contingent liability policy meeting at least the minimum limits of subsection (b) of
469 this section that will cover a claim in the event that the operator’s personal insurance policy
470 denies a claim.

471 “(l) Within 1 year of the effective date of this Act, the Mayor shall assess whether
472 the insurance requirements of this section are appropriate to the risk of private vehicle-for-hire
473 services and shall report its findings to the Council.

474 “(m) For the purposes of this section, “pre-arranged ride” shall mean a period of
475 time that begins when a private vehicle-for-hire operator accepts a requested ride through digital
476 dispatch, continues while the operator transports the passenger in the operator’s vehicle, and
477 ends when the passenger departs from the vehicle.

478 “Sec. 28. Trade dress requirements for private vehicles-for-hire.

479 “A private vehicle-for-hire shall display a consistent and distinctive trade dress
480 consisting of a logo, insignia, or emblem at all times while the operator is logged into the private
481 vehicle-for-hire company’s digital dispatch. The trade dress shall be:

482 “(1) Sufficiently large and color contrasted so as to be readable during
483 daylight hours at a distance of at least 50 feet; and

484 “(2) Reflective, illuminated, or otherwise patently visible in darkness.

485 “Sec. 29. Requirements for private vehicle-for-hire operators.

486 “(a) A private vehicle-for-hire operator shall:

487 “(1) Accept only rides booked through a private vehicle-for-hire
488 company’s digital dispatch and shall not solicit or accept street-hails;

489 “(2) Use the trade dress required by section 28 at any time that the
490 operator is logged into a private vehicle-for-hire company’s digital dispatch;

491 “(3) Possess a valid driver’s license issued by the District of Columbia, the
492 State of Maryland, or the Commonwealth of Virginia;

493 “(4) Possess proof of personal motor vehicle insurance for the motor
494 vehicle used as a private vehicle-for-hire; and

495 “(5) Be at least 21 years of age.

496 “(b) If an accident occurs involving a motor vehicle that is logged into the private
497 vehicle-for-hire’s digital dispatch, the private vehicle-for-hire operator or company shall provide
498 law enforcement officials and insurance representatives with proof of the insurance required by
499 section 27.”.

500 “Sec. 30. Charges for private vehicle-for-hire service.

501 “A private vehicle-for-hire company may offer service at no-charge, suggest a donation,
502 or charge a fare; provided, that if a fare is charged the company shall comply with the fare
503 transparency provisions pursuant to section 33(b)(2A).”.

504 “Sec. 31. Certification, enforcement, and regulation of private vehicles-for-hire.

505 “(a) Every 24 months, a private vehicle-for-hire company shall certify on a form provided
506 by the Commission that the private vehicle-for-hire company has complied with the requirements

of this act. The Commission is authorized to inspect and copy the relevant safety and consumer protection-related records of a private vehicle-for-hire company to ensure compliance with this act when it has a reasonable basis to suspect non-compliance; provided, that any records disclosed to the Commission under this act shall not be subject to disclosure to a third party by the Commission, including through a request submitted pursuant to the District of Columbia Freedom of Information Act of 1976, effective March 25, 1976 (D.C. Law 1-96; D.C. Official Code § 2-501 *et seq.*).

“(b) If the Mayor determines that a private vehicle-for-hire company knowingly certified an intentionally false or misleading statement on a form required by this act, the Mayor may impose a civil fine as determined by rulemaking. A civil fine prescribed by this section shall be applicable only after the private vehicle-for-hire company is afforded an opportunity for a hearing. These penalties shall be in addition to any other penalties available by law.

“(c) Failure by a private vehicle-for-hire company or operator to adhere to the requirements of this act may result in sanction by the Commission, including fines and other penalties, pursuant to the Commission’s authority in section 8(c)(7).

“(d) Notwithstanding any other provision of law, the Commission shall not require a private vehicle-for-hire company to provide the Commission with a list or inventory of private vehicle-for-hire operators or vehicles associated with a private vehicle-for-hire company.”.

(n) Section 32 (previously designated as section 20k, D.C. Official Code § 50-329.01) is amended to read as follows:

Section 32. Vehicle inspection officers.

(a) Vehicle inspection officers shall undergo training on the rules and regulations governing private and public vehicles-for-hire and undergo yearly performance evaluations. Vehicle inspection officers shall be prohibited from making traffic stops of on-duty private or public vehicles-for-hire in the act of transporting a fare, unless there is reasonable suspicion of a violation, and shall act in accordance with all rules governing their duties, as established through rulemaking.

(b) If a public or private vehicle-for-hire ride is arranged through digital dispatch pursuant to section 33, an operator shall provide a law enforcement official or vehicle inspection officer with access to an electronic record of trips sufficient to establish that the trip in question was prearranged through digital dispatch. An operator shall not be required to relinquish custody of the device containing evidence of a trip arranged through digital dispatch.”.

(o) Section 33 (previously designated as section 20l, D.C. Official Code § 50-329.02) is amended as follows:

(a) Subsection (b) is amended as follows:

(1) The lead-in language is amended to read as follows:

“(b) A company that provides digital dispatch shall be exempt from regulation by the Commission, other than the rules issued pursuant to this subsection and subsection (c-1) of this section. The Commission may establish rules only to the extent necessary to ensure compliance with the following service requirements; provided that, the rules shall protect the personal privacy rights of customers and operators, and shall not result in the disclosure of confidential business information.”

(2) Strike the phrase “digital dispatch service” wherever it appears and insert the phrase “company that uses digital dispatch” in its place.

(3) Paragraph (1) is amended by striking the phrase “system;” and inserting the phrase “system or through a time and distance charge set by the company;” in its place.

(4) Paragraph (2) is amended to read as follows:

“(2) If a company that uses digital dispatch connects a customer to a private or public vehicle-for-hire other than a taxicab, the company shall calculate the fare in compliance with the method required for that class of service;

(5) A new paragraph (2A) is added to read as follows:

“(2A) If a company that uses digital dispatch charges a fare other than the metered taxicab rate, before booking a vehicle the company shall disclose to the customer the fare calculation method, the applicable rates being charged, and the option for an estimated fare. The company shall review any customer complaint about fares that exceed estimated fares by 20% or \$25, whichever is less;

(6) Paragraph (3) is amended by striking the phrase “using a digital dispatch service” and inserting the phrase “affiliated with a company using digital dispatch” in its place.

(7) Paragraph (4) is amended by striking the phrase “The digital dispatch service and the operators” and inserting the phrase “A company that uses digital dispatch and the public vehicle-for-hire operators” in its place.

(8) Paragraph (8) is amended by striking the word “public” wherever it appears and inserting the phrase “private or public” in its place

(9) Paragraph (9) is amended to read as follows:

“(9) A company that uses digital dispatch shall provide service throughout the entire District;

(10) Paragraph (10) is amended to read as follows:

“(10) A company that uses digital dispatch for public vehicles-for-hire service shall register with the Commission by submitting proof to the Commission that it is licensed to do business in the District, maintains a registered agent in the District, and maintains a website containing information on its method of fare calculation, the rates and fees charged, and a customer service telephone number or email address. A company that uses digital dispatch for private vehicles-for-hire shall comply with the registration requirements of section 25(k);”.

(11) New paragraphs (11), (12), (13), (14), and (15) are added to read as follows:

“(11) Every 3 months, a company that uses digital dispatch for private or public vehicles-for-hire other than taxicabs shall transmit to the Office of the Chief Financial Officer 1% of all gross receipts for trips that physically originate in the District. The money collected shall be deposited in the Public Vehicles-for-Hire Consumer Service fund created by section 20a. The company shall certify that the amount transmitted is consistent with the amount collected for such trips arranged through digital dispatch. The Office of the Chief Financial Officer may inspect records of the company to ensure compliance with the requirements of this

paragraph; provided, that any records disclosed to the Office of the Chief Financial Officer shall not be subject to disclosure to a third party, including through a request submitted pursuant the District of Columbia Freedom of Information Act of 1976, effective March 25, 1976 (D.C. Law 1-96; D.C. Official Code § 2-501 *et seq.*);

“(12) A company that uses digital dispatch for taxicabs or an approved payment service provider pursuant to the Commission’s regulations, shall transmit the per trip passenger surcharge to the Office of the Chief Financial Officer to be deposited in the Public Vehicles-for-Hire Consumer Service fund created by section 20a in a manner prescribed by the Commission pursuant to its authority in section 20a(g). The Office of the Chief Financial Officer may inspect records of the company to ensure compliance with the requirements of this paragraph; provided, that any records disclosed to the Office of the Chief Financial Officer shall not be subject to disclosure to a third party, including through a request submitted pursuant the District of Columbia Freedom of Information Act of 1976, effective March 25, 1976 (D.C. Law 1-96; D.C. Official Code § 2-501 *et seq.*);

“(13) During a state of emergency as declared by the Mayor, a company that provides digital dispatch that engages in surge pricing shall limit the multiplier by which its base fare is multiplied to the next highest multiple below the 3 highest multiples set on different days in the 60 days preceding the declaration of a state of emergency for the same type of service in the Washington Metropolitan Area;

610 “(14) A private or public vehicle-for-hire operator may affiliate with more
611 than one company for the purpose of using digital dispatch unless otherwise provided for by an
612 agreement between the company and the operator; and

613 “(15) A trip manifest maintained in an electronic format by a private or
614 public vehicle-for-hire operator who connects with a passenger through a digital dispatch service
615 may include the phrase “as directed” or a similar phrase in lieu of including a passenger’s trip
616 destination; provided that the destination is included upon completion of the trip;

617 (b) New subsection (c-1) is added to read as follows:

618 “(c-1) The Commission shall not require a company that provides or uses digital
619 dispatch for private or public vehicles-for-hire to collect or transmit data or information about a
620 customer or a customer’s trip; provided, that anonymous trip data collected by a taxicab meter
621 system shall be collected and transmitted to the Commission for all trips.

622 (c) Subsection (d) is repealed.

623 (p) New sections 34 and 35 are added to read as follows:

624 “Sec. 34. Accessibility of digital dispatch for individuals with disabilities.

625 “(a) By January 1, 2016, a company that provides digital dispatch shall:

626 “(1) Ensure that the company’s websites and mobile applications are accessible to
627 the blind and visually impaired and the deaf and hard of hearing; and

628 “(2) Provide a report to the Committee on Transportation and the Environment, or
629 its successor committee with oversight of for-hire vehicles, on how the company intends to

increase access to wheelchair accessible public or private vehicle-for-hire service to individuals with disabilities.

“(b) A company that provides digital dispatch shall not:

“(1) Impose additional or special charges on an individual with a disability for providing services to accommodate the individual; or

“(2) Require an individual with a disability to be accompanied by an attendant.

“(c) If an operator accepts a ride request through digital dispatch from a passenger with a disability who uses a mobility device, upon picking up the passenger, the operator shall stow the passenger’s mobility equipment in the vehicle if the vehicle is capable of stowing the equipment. If a passenger or operator determines that the vehicle is not capable of stowing the equipment, the company that provides digital dispatch shall not charge a trip cancellation fee or, if such fee is charged, shall provide the passenger with a refund in a timely manner.

“Sec. 35. Training of employees and operators.

“(a)(1) A company that uses digital dispatch shall train associated operators in how to properly and safely handle mobility devices and equipment and to treat an individual with disabilities in a respectful and courteous manner.

“(2) Completion of a public vehicle-for-hire driver’s training course approved by the Commission shall satisfy the operator training requirement of this subsection.

(q) Section 36 (previously designated as section 20m, D.C. Official Code § 50-329.03) is amended as follows:

(a) Paragraph (3) is amended by striking the word “taxicab” and inserting the phrase “private or public vehicle-for-hire” in its place.

(b) Paragraph (4) is amended by striking the word “taxicab” and inserting the phrase “private or public vehicle-for-hire” in its place.

(c) Paragraph (6) is amended by striking the word “taxicab” and inserting the phrase “private or public vehicle-for-hire” in its place.

(r) Section 37 (previously designated as section 20o, D.C. Official Code § 50-329.05) is amended as follows:

(a) The heading is amended to read as follows:

“Sec. 37. Fleeing from a vehicle inspection officer in a public or private vehicle-for-hire.

(b) Strike the phrase “public vehicle inspection officer” wherever it appears and insert the phrase “vehicle inspection officer” in its place.

(c) Subsection (a) is amended by striking the phrase “public vehicle-for-hire” wherever it appears and inserting the phrase “public or private vehicle-for-hire” in its place.

(d) Subsection (b) amended by striking the phrase “public vehicle-for-hire” wherever it appears and inserting the phrase “public or private vehicle-for-hire” in its place.

Sec. 3. Section 105(a) of the 2005 District of Columbia Omnibus Authorization Act, approved Oct. 16, 2006 (120 Stat. 2023; D.C. Official Code § 50-381(a)), is amended by striking the phrase “system.” and inserting the phrase “system; provided that a company that uses digital

dispatch for taxicabs may charge fares pursuant to section 33(b)(1) of the Vehicle-For-Hire
Innovation Amendment Act of 2014, as introduced on April 4, 2014 (D.C. Bill 20-753).”.

Sec. 4. Section 47-2829 of the District of Columbia Official Code is amended as follows:

New subsections (k) and (l) are added to read as follows:

“(k) A person who resides in the Washington Metropolitan Area shall be eligible
to apply for an operator’s license and vehicle license to operate a public vehicle-for-hire in the
District of Columbia.

“(l) This section shall not apply to a private vehicle-for-hire operator affiliated
with a private vehicle-for-hire company pursuant to the District of Columbia Taxicab
Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official
Code § 50-301 *et seq.*).”.

Sec. 5. Subsection 601.4(e) of Title 18 of the District of Columbia Municipal Regulations
(18 DCMR § 601.4(e)) is amended by striking the phrase “semi-annually” and inserting the word
“annually” in its place.

Sec. 6. Applicability.

Section 1, section 2, section 3, and section 4 of this act shall apply as of the effective of
date of this act. Section 5 shall apply upon the inclusion of its fiscal effect in an approved budget
and financial plan, as certified by the Chief Financial Officer to the Budget Director of the
Council in a certification published by the Council in the District of Columbia Register.

691 Sec. 7. Fiscal impact statement.

692 The Council adopts the fiscal impact statement in the committee report as the fiscal
693 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,
694 approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

695 Sec. 8. Effective date.

696 This act shall take effect following approval by the Mayor (or in the event of veto by the
697 Mayor, action by the Council to override the veto), a 30-day period of congressional
698 review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved
699 December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the
700 District of Columbia Register.